

3739
TR

PATENT

Atty. Docket No.: 2537 (203-2755)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Finch et al. Examiner: Aaron Roane
 Serial No.: 09/739,428 Group Art Unit: 3739
 Filed: December 18, 2000 Dated: August 30, 2005
 For: **APPARATUS FOR THERMAL TREATMENT OF AN INTERVERTEBRAL DISC**
 Mail Stop: RCE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL FORM

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [] Small entity status of this application under 37 C.F.R. § 1.9 and 1.27 has been established by a verified statement previously submitted.
- [] A verified statement to establish small entity under 37 C.F.R. § 1.9 and 1.27 is enclosed.
- [X] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. RATE FEE	ADDIT. RATE FEE
TOTAL	17 MINUS 20	=	X	\$	X \$0
INDEP.	2 MINUS 3	=	X	\$	X \$0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			X	\$	X \$0
			TOTAL	OR TOTAL	\$0
			ADDIT. FEE		\$ -0-

* If the entry in Co. 1 is less than entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on date below.

Dated: August 30, 2005

Maria Lapitan

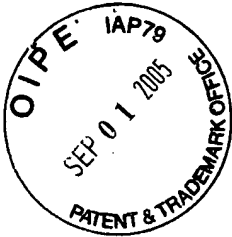
- ☐ Please charge Deposit Account No. **21-0550** in the amount of \$____. Two (2) copies of this sheet are enclosed.
- ☐ A check in the amount of \$____ is enclosed.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. **21-0550**. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. **21-0550** therefor. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

Respectfully submitted,



Edward C. Meagher
Reg. No. 41,189

United States Surgical,
A Division of Tyco Healthcare Group, LP
150 Glover Avenue
Norwalk, Connecticut 06856
Tel: 203-845-1000
Fax: 203-846-5988



PATENT APPLICATION
Atty. Docket: 2537 (203-2755)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Finch et al. Examiner: Aaron Roane
Serial No. : 09/739,428 Group Art Unit: 3739
Filed : December 18, 2000 Dated: August 30, 2005
For : **APPARATUS FOR THERMAL TREATMENT OF AN
INTERVERTEBRAL DISC**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
UNDER 37 C.F.R. §1.121

Sir:

In response to the Notice of Non-Compliant Amendment of the U.S. Patent and Trademark Office mailed on August 3, 2005, Applicants hereby resubmit the "Amendments to the Claims" portion of Applicant's amendment filed on July 25, 2005.

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this paper.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this Amendment and any document referred to as enclosed herein is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: _____
August 30, 2005



Maria Lapitan